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PTO/SB/30 (5/2000)

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MAR 16 2004

## REQUEST

FOR

CONTINUED EXAMINATION (RCE)  
TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.  
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/807,509
Filing Date	June 25, 2001
First Named Inventor	Fritz GRUNERT et al.
Group Art Unit	1632
Examiner Name	Wehbe, Anne Marie Sabrina
Attorney Docket Number	24741-1523

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. §1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

## 3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to credit any overpayments to Deposit Account No. 08-1641 (Docket No. 24741-1523)
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other
- b. ☒ Check in the amount of \$770.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Marvin A. Motsenbocker	Registration No. (Attorney/Agent)	34,614
Signature	<i>Marvin A. Motsenbocker</i>	Date	3/16/04

## CERTIFICATE OF MAILING OR TRANSMISSION

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Signature	
Date	

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06/18/2004 EEKUBAYI 00000002 09807509

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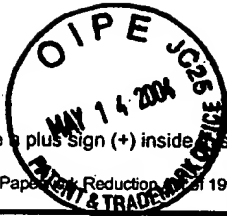
Repln. Ref: 06/18/2004 EEKUBAYI  
DAH:081641 Name/Number:09807509 \$385.00 CR  
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PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/807,509	
	<b>Filing Date</b>	June 25, 2001	
	<b>First Named Inventor</b>	Fritz Grunert	
	<b>Group Art Unit</b>	1632	
	<b>Examiner Name</b>	Wehbe, Anne Marie Sabrina	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	24741-1523

<b>ENCLOSURES (check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Small Entity Status Post Card
<b>Remarks</b>		
Customer No. 26633		

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
<b>Firm or Individual name</b>	Patricia D. Granados Reg. No. 33,683
<b>Signature</b>	<i>Patricia D. Granados</i>
<b>Date</b>	May 14, 2004

<b>CERTIFICATE OF MAILING</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
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STATUS AND ENTITY  
**UNITED STATES PATENT AND TRADEMARK OFFICE**

2004 MAY 19 PM 4:21

Attorney Docket No.: 24741-1523

Applicant: Fritz Grunert et al.

Confirmation No. 9439

Appl. No.: 09/807,509

Examiner: Wehbe, Anne Marie Sabrina

Filing Date: June 25, 2001

Group Art Unit: 1632

Title: PROCESS FOR PREPARING ANTIBODIES AGAINST A  
POLYPEPTIDE IN WHICH THE NUCLEIC ACID ENCODING THE  
PEPTIDE IS KNOWN

**REQUEST FOR REFUND**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In a separate document being filed currently herewith, Applicants assert small entity status. A payment as large entity was made for this case on March 16, 2004. Because this formal notice of a change in status occurs within 3 months of erroneously paying a large entity fee, a refund of PTO fees respectfully is requested.

A Request for Continued Examination (RCE) fee in this application was paid on March 16, 2004, by check No. 086089, in the amount of \$770.00 established for a large entity. Applicants were, however, a small entity at that time and remains a small entity. Therefore, Applicants are entitled to a 50% refund of said fee, consistent with 37 C.F.R. 1.28 (a)(1).

The Patent and Trademark Office accordingly is requested to refund to Deposit Account No. 08-1641 the amount of \$385.00.

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This paper is being submitted in duplicate for the convenience of the Finance Branch.

STATUS: *NOT IN  
EFFECT*

2004 MAY 14 PM 4:21

Respectfully submitted,

May 14, 2004

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By Patricia J. Granados

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fritz Grunert et al.

Confirmation No. 9439

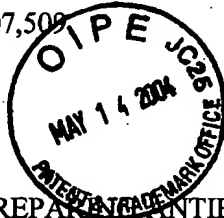
STATUS AND ENTITY  
SECTION

Serial or Patent No.: 09/807,509

Atty. Dkt. No. 24741-1523

SECTION 17 CH 4-21

Filed: June 25, 2001



For: PROCESS FOR PREPARING ANTIBODIES AGAINST A POLYPEPTIDE IN WHICH  
THE NUCLEIC ACID ENCODING THE PEPTIDE IS KNOWN

SMALL ENTITY STATUS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, BA 22313-1450

Applicants assert small entity status regarding the captioned application. Applicants acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

Respectfully submitted,

May 14, 2004

By Patricia D. Granados

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